

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PENDLETON DIVISION

ROBERT LEE ERSKINE,

Plaintiff,

v.

No. 2:20-cv-02269-JR

OPINION AND ORDER

**ALL STATE, FEDERAL AGENCIES
THAT REGULATE THE MANUFACTURE,
SALE AND DISTRIBUTION OF ALCOHOL,
et al.,**

Defendants.

MOSMAN, J.,

On May 17, 2021, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation (F. & R.) [ECF 22]. Judge Russo recommended that I dismiss Plaintiff Robert Lee Erskine's Amended Complaint [ECF 21] without prejudice. Mr. Erskine filed objections. Additionally, Mr. Erskine filed his second motion for lien seeking the imposition of a "\$500 million" lien against "all defendants' real estate, residential, commercial and businesses, bank accounts, assets, stocks, bonds, vehicles" and government benefits, in addition to appointment of pro bono counsel, a jury trial, and effectuation of service. Mot. for Lien [ECF 26] at 1–2. Upon review, I ADOPT Judge Russo's F. & R. [ECF 22] and I DENY Plaintiff's Motion for Lien [ECF 26].

DISCUSSION


The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F. & R. to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F. & R. depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F. & R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Russo's findings and recommendation, and I ADOPT the F. & R. [ECF 22] as my own opinion. Plaintiff's Amended Complaint [ECF 21] is DISMISSED without prejudice and with leave to amend. Plaintiff's Motion for Lien [ECF 26] is DENIED.

IT IS SO ORDERED.

DATED this 16 day of July, 2021.


MICHAEL W. MOSMAN
United States District Judge